

AN ORDINANCE BY COUNCIL MEMBER CLAIR MULLER

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF PART 15, LAND SUBDIVISION ORDINANCE TO CLARIFY THE APPLICATION PROCESS, INCLUDING THE PUBLIC NOTIFICATION PORTION, AND LANGUAGE PERTAINING TO SUBDIVISIONS IN NEIGHBORHOODS LISTED OR ELIGIBLE FOR THE HISTORIC NATIONAL REGISTER, AND FOR OTHER PURPOSES.

WHEREAS, the Land Subdivision Ordinance was adopted by the Atlanta City Council over ten years ago; and

WHEREAS, there are certain sections of the Subdivision Ordinance that need to be updated and clarified regarding exactly what is required when submitting an application for a proposed subdivision; and

WHEREAS, Neighborhood Planning Unit (NPU) leadership and individual constituents have concerns when they receive subdivision applications for review without proper notification, correct and/or complete information; and

WHEREAS, the intent of the Subdivision Ordinance was to allow for citizen review through the NPU system in time for staff to receive such input so that it can be taken into consideration when reviewing subdivision applications; and

WHEREAS, with the value of land within the City of Atlanta increasing and the availability of land decreasing, the desire to create subdivisions on smaller lots in established neighborhoods is more prevalent, thereby increasing the need to protect such existing neighborhoods and their character particularly when such neighborhoods are listed on the National Historic Register; and

WHEREAS, taking into consideration the intent of the original authors of the Subdivision Ordinance and the loop holes or discrepancies that have developed since that time it seems appropriate to make certain amendments and adjustments to the Subdivision Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: To delete Section 15-07.002 in its entirety and replace it with the following language:

Application forms and data required.

Applications for the subdivision of land shall conform to the following requirements:

- (a) Each application form shall be typewritten and shall contain the signature of the owner or, if more than one, all owners of the property which is the subject of the application, which signature(s) shall authorize the filing of said application.

- (b) Each application form shall be accompanied by a proposed subdivision plat which shall conform to all applicable requirements of this part.
- (c) As part of the application, the applicant shall submit on a computer disk or other electronic media, as specified by the Director of the Bureau of Planning, a copy of (i) the executed application form, (ii) the proposed subdivision plat, and (iii) a schedule listing items submitted pursuant to Section 15-07.003 below. The Director of the Bureau of Planning will cause this information to be promptly posted on the Bureau of Planning's website.
- (d) Applicants requesting approval of a preliminary subdivision plat shall, at the time the application form is submitted by the applicant, provide all of the submissions and data set forth in Section 15-07.003 below.
- (e) Applicants requesting approval of a final subdivision plat shall provide all of the submissions and data required in Section 15-07.004 below.
- (f) The Director of the Bureau of Planning will specify the number of copies of the application form and supporting materials which are to be submitted.

Section 2: To delete Section 15-07.003 in its entirety and replace it with the following language:

Section 15-07.003. Submissions and data required for subdivision application.

Each application form for approval of a preliminary subdivision plat shall be accompanied by the following:

- (a) A preliminary subdivision plat complying with the following:
 - (1) It will conform with the minimum standards of applicable state law, and be prepared and certified by a professional land surveyor registered and licensed to practice in the State of Georgia.
 - (2) Eight (8) copies of each preliminary plat shall be submitted and shall be at a scale not smaller than 50 feet to one (1) inch, and sheet size shall not exceed 24 x 36 inches.
 - (3) For any proposed new street installations, the following is required: suggested street names; right-of-way and street widths; central angles of proposed street intersections with existing street intersections; dimensions of radii to face of curb and right-of-way for any proposed cul-de-sac; profiles based on proposed centerline stationing, including all vertical curve data and grades; similar data for alleys, if any.
 - (4) All proposed lots, with dimensioned lot lines and areas in square feet and acreage (minimum three-place accuracy), lot numbers, and block numbers.

- (5) Sites, if any, to be dedicated or reserved for parks, playgrounds, schools or other public uses, together with the purpose and the conditions or limitations of such dedication, if any.
- (6) Boundary lines from actual field-run survey records and minimum building setback lines (front, side, rear) for all lots.
- (7) Easements (existing and proposed), including their location, width, and purpose.
- (8) Existing streets on and abutting the tract, including names, right-of-way width, pavement width and location.
- (9) Other conditions on the tract that are visually identifiable, or are a matter of public record, or are known to the applicant, including landfills, watercourses, utility lines and utility structures (sanitary and storm sewer, water, gas, power, telephone, overhead streetlighting and similar utility structures), foundations or buried structures, borrow pits, abandoned wells, burial pits, leach fields, septic tanks, drain fields, soil contaminated areas and similar features.
- (10) Title under which proposed subdivision is to be recorded, if known, with name, address, telephone number and email address of owner and designer.
- (11) A vicinity map at a scale of one (1) inch equals 2,000 feet identifying the proposed site and showing the relationship of the proposed subdivision to the platting pattern of the surrounding area.
- (12) Scale, data, north arrow, date of survey, date of plat, date of any revisions to plat, land lot number, district number, and county.
- (13) Present zoning district classifications(s).
- (14) Sufficient horizontal control data to determine readily and reproduce on the ground the proposal being defined with distances, bearings, curve data of the overall parcel boundary and the centerline of any proposed street. All work shall be referenced to the Georgia Plane Coordinate System; if a control monument point is located within 500 feet of the site, the site shall be tied to that monument with traditional ground survey procedures; if greater than 500 feet, Global Positioning Systems (GPS) methodology shall be employed to establish the coordinate relationship. The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds. Curve data shall include, but is not limited to the radius, arc length, chord length, chord bearing, and delta angle. All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in

10,000 feet. Satisfactory vertical control data shall also be included.

(15) Bicycle paths and on-street bicycle lanes that have been designated on the Bicycle Trail Map approved by the governing authority.

(16) Drainage swales, streams, stream banks, and stream bank buffer areas, if applicable.

(b) A reasonable representation of the proposed subdivision drawn on the most recent City of Atlanta topographic map with existing building footprints at a scale of one (1) inch equals 200 feet. Said drawing shall include existing street and curb lines and proposed street and lot lines.

(c) Actual field-run topographic survey which produces an existing topographical representation of the area within 25 feet of the right-of-way of any proposed street or any proposed earth-disturbing activity in two-vertical-foot contour elevations, with any proposed grading activities also shown with two-foot contour intervals superimposed. Topographic representations shall also include all watercourses, wetlands, stream bank buffers and all 100-year floodplains as shown on the applicable maps adopted by the mayor and city council. In addition, plans shall show two-foot contour elevations from city maps for the entire site.

(d) A tree survey showing the locations, species and caliper of all existing mature trees, delineating all trees to be removed or impaired in development of the subdivision and grading of lots. Mature trees shall be those with a caliper of six inches or more as measured at breast height.

(e) Construction plans signed and sealed by a registered professional engineer licensed to practice in the State of Georgia, consisting of the following:

(1) Plans, profiles, and cross sections of proposed streets, cul-de-sacs, sidewalks and similar paved surfaces with all appropriate details.

(2) Plans, profiles, and details of all proposed sanitary and storm sewers.

(3) Plans, profiles and details of any proposed stormwater management facilities, including:

a. Hydraulics of storm sewers including capacities of intakes, pipe capacities, gutter spreads and velocities of flows, and capabilities of downstream creeks, conduits, and structures receiving storm runoff from proposed subdivision activities.

b. Hydrology and hydraulics of stormwater management systems and/or detention facilities including time-stage-storage relationships, backwater surface profiles and related calculations.

- c. Determination of all 100-years floodplain elevations for watercourses.
- d. Certification of compliance with all appropriate federal, state, and local wetland identification, protection and regulatory requirements.
- e. Compliance and construction plan preparations to address required soil and erosion control provisions as required by chapter 138 of this code.
- (4) Plans, profiles and details of any other on-site utilities.
- (5) Grading plans, profiles and details for the entire property, including lot grading, showing location and size of any retaining walls, including a so called "dirt statement."
- (f) Provisions for the installation of an overhead street lighting system approved by the Bureau of Traffic and Transportation, to be paid for by the applicant, addressing matters such as pole type, pole locations, size, type, and number of lamps.
- (g) A title certificate for the subject property signed by an attorney licensed to practice in the State of Georgia, which shall set forth the owner or owners of record and existing title matters affecting the parcel, together with copies of written title matters referred to in the title certificate.
- (h) A copy of any proposed easements, covenants, restrictions and similar matters to be imposed on the parcel.
- (i) A hydrology study, prepared by a hydrologist licensed to practice in the State of Georgia, analyzing the pre-and post-development conditions on the subject property with respect to stormwater discharge, taking into account not only subdivision grading and infrastructure but also lot grading and contemplated improvements thereon, sufficient to determine compliance with requirements of applicable local, state and federal law.
- (j)

Section 3: To delete Section 15-07.005 (c) in its entirety and replace it with the following language:

Section 15.07.005 (c):

Subdivision Review Committee. The director, bureau of planning shall establish a schedule for regular semimonthly meetings of the subdivision review committee and shall serve as a chairperson of said committee. The purpose of the subdivision review committee is to provide for a consolidated technical review of each application. Each *complete* application for land subdivision that is received by the semimonthly filing deadline shall be reviewed for compliance with the provisions of this part by said committee no later than the second semimonthly meeting following the filing deadlines. *Prior to the Subdivision Review Committee meeting, notification of the date of the meeting along with copies of the subdivision application, including reports by City Departments to the Bureau of Planning related to the application, must be provided to the affected Council Members. The date of the Subdivision Review Committee meeting*

should also be added by the Bureau of Planning to NPU agendas giving notice of subdivision.

The applicant or his or her designee is required to be present at said meeting to discuss the application and to provide any additional data that is required by this part. Within five (5) working days after each such meeting, each applicant shall be notified in writing by first class mail of a list of identified problems or deficiencies in the application. *Any failure to issue a timely notice of problems or deficiencies in the application does not constitute a waiver of any requirements.*

Section 4: To delete Section 15-07.005 (d) in its entirety and replace it with the following language:

Section 15-07.005(d)

Neighborhood Planning Units (NPU's). Within three (3) working days after the semimonthly deadline for receipt applications for land subdivision, each appropriate neighborhood planning unit shall be provided a copy of any such application *and supporting reports by City Departments to the Bureau of Planning related to the application*, which is located within the jurisdiction of said neighborhood planning unit. It is the responsibility of the neighborhood planning unit chair to schedule said application for consideration at the *next regularly scheduled NPU meeting* and to provide the bureau of planning with a letter presenting its comments on the application *prior to the Subdivision Review Committee at which the subject application will be heard. The Bureau of Planning must submit the NPU comments to the Subdivision Review Committee.* The applicant is encouraged to attend the neighborhood planning unit meeting. The chairperson and the NPU shall review the proposed subdivision plat utilizing only the standards and criteria set forth in this part and provide a copy of said comments to the applicant and to the affected council members. The bureau of planning shall post a sign so as to inform the adjacent neighborhood of a proposed subdivision application which shall be posted at least 10 days prior to the NPU meeting for which the application is on the agenda. Said sign shall include the date of the scheduled NPU meeting at which said application will be discussed.

Section 5: To amend Section 15-07.005 (e) by deleting the first sentence and replacing it with the following language:

Section 15-07.005(e)

No preliminary subdivision plat shall be approved prior to the receipt of a letter from the commissioner of the department of public works (planning) approving the subject preliminary subdivision plat as being in compliance with the provisions of this part and any other applicable state and federal laws, provisions, rules and regulations.

Section 6: To delete Section 15-07.005 (f)(4) in its entirety and replace it with the following language:

Section 15-07.005(f)(4)

(4) The director shall provide a copy of any written decision on any preliminary or final subdivision plat to the applicant, to all review agencies listed in (b) above, to the appropriate at-large and district member of council, and to the appropriate neighborhood planning committee chairperson at the same time the decision is given to the applicant.

Section 7: To delete Section 15-07.005 (g) in its entirety and replace it with the following language:

Section 15-07.005(g):

Limitation on Application for Variances. It is the intent of this part to prohibit the creation of lots that require a variance in order to be developed. Therefore, once a property has been issued a certificate of occupancy by the Bureau of Buildings, no application for a variance on any lot in said subdivision may be submitted for a period of one (1) year from the date of issuance of a certificate of occupancy for said subdivision unless an unknown site condition is discovered which creates a hardship within the meaning of chapter 26 of part 16 of this code.

Section 8: To delete Section 15-08.002 (a)(2) in its entirety and replace it with the following language:

Section 15-08.002:

(a)(2) In all historic neighborhoods in which street layout and design are a part of and are directly related to identified elements of that neighborhood's historic character, all new streets shall conform to existing street design patterns. In addition land subdivisions in the neighborhoods listed on the National Register or are eligible for the National Register cannot reduce the street frontage of a future lot by more than 10% even if the future lot would still be conforming in that zoning category.

Section 9: To delete Section 15-08.005(d)(6) and replace it with the following language:

Section 15-08.005 (d)(6)

In all historic neighborhoods, in which lot layout, patterns, and design are a part of and are directly related to identified elements of that neighborhood's character, all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets. In addition land subdivisions in the neighborhoods listed on the National Register or are eligible for the National Register cannot reduce the street frontage of a future lot by more than 10% even if the future lot would still be conforming in that zoning category.

Section 10. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.